

**REMARKS**

Claims 1-9 are pending. Claims 4-6 have been withdrawn from consideration for being directed to non-elected subject matter.

By this Amendment, the Specification and Claims 1-3 are amended, and Claims 7-9 are added. Support for the amendments to Claims 1 and 3, and the subject matter recited by new dependent Claim 7 can be found at least in Figures 17A and 17B of the application as originally filed. Also, Applicants note new independent Claim 8 corresponds to allowable original dependent Claim 2, rewritten in independent form, including all of the features recited by base Claim 1, and new dependent Claim 9 corresponds to original dependent claim 3.

Accordingly, Applicants respectfully submit that no new matter is presented herein.

**Allowable Subject Matter**

Applicants respectfully acknowledge and appreciate the indication by the Examiner that Claim 2, although objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form, including all of the features of base Claim 1, and any intervening claims of which there are none. Applicants further acknowledge and appreciate the indication by the Examiner that Claim 3 would be allowable if rewritten to overcome a rejection under 35 U.S.C. §112, second paragraph discussed below, and to include all of the features of base Claim 1 and intervening Claim 2.

In this regard, Applicants have rewritten dependent Claim 2 as new independent Claim 8, which includes all of the features recited by base Claim 1 and the allowable subject matter recited by Claim 2, thereby placing Claim 8 in condition for allowance. New dependent Claim 9 corresponds to original dependent Claim 3 and should also be deemed allowable for depending from allowable Claim 8.

Applicants respectfully request withdrawal of the objection to Claim 2.

**Specification**

The Specification is objected to for containing informalities in paragraphs [0106] and [0117]. Applicants have amended paragraphs [0106] and [0117] in a manner believed to be responsive to the objection. Withdrawal of the objection is respectfully requested.

**Claim Rejections - 35 U.S.C. §112**

Claim 3 is rejected under 35 U.S.C. §112, second paragraph. Applicants have amended the claims in a manner believed to be responsive to the rejection. Withdrawal of the rejection is respectfully requested.

**Claim Rejections -- 35 U.S.C. §102**

Claim 1 is rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent Number 6,511,096 to Kunert et al. (Kunert); and anticipated by United States Patent Application Publication Number 2002/0105159 to Christophliemke et al. (Christophliemke).

Applicants respectfully traverse both rejections.

Claim 1 recites a vehicle subframe including, among other features, a tubular cross member which extends in a transverse direction of a body and connects together

a pair of left and right longitudinal members, wherein the cross member includes a pair of parallel front walls and a pair of parallel rear walls, ***the pair of parallel front walls includes a front side plate and a front bracket plate portion that are continuously separated from each other by a front predetermined spaced portion defined therebetween and the pair of parallel rear walls includes a rear bracket plate portion and a rear side plate that are continuously separated from each other by a rear predetermined spaced portion defined therebetween, a recessed portion*** which is recessed continuously over a longitudinal direction thereof ***is defined between the pair of parallel front walls and the pair of parallel rear walls.***

Applicants respectfully submit that Kunert and Christophliemke do not disclose, teach or otherwise suggest each and every feature recited by Claim 1.

For example, the indentation or recessed portion 37 is not defined between two pairs of parallel walls. Rather, the indentation 37 illustrated in Figure 6 of Kunert is defined between a single horizontal wall and a single vertical wall, wherein the individual horizontal and vertical walls appear to be orthogonal or perpendicular relative to each other and certainly are not parallel.

With regards to Christophliemke, Applicants note the transverse strut 4 having the recessed portion defined by two pairs of legs 15 and 16. However, the legs 15 and 16 are not continuously separated from each other as the legs 15 and 16 engage each other at a contact zone 17, as is illustrated in Figure 2 and discussed in paragraph [0022].

To qualify as prior art under 35 U.S.C. §102, each and every feature recited by a rejected claim must be disclosed, taught or otherwise suggested by the applied art. For the reasons discussed above, Applicants respectfully submit that Kunert and Christophliemke, alone, or in combination, do not disclose, teach or otherwise suggest each and every feature of the rejected Claim 1. Therefore, Applicants respectfully submit that Claim 1 is not anticipated by or rendered obvious in view of Kunerrt and Christophliemke and should be deemed allowable.

Claims 2-3 and 7 depend from Claim 1. It is respectfully submitted that these dependent claims be deemed allowable for at least the same reasons Claim 1 is allowable, as well as for the additional subject matter recited therein.

Withdrawal of the rejections is respectfully requested.


### **Conclusion**

In view of the foregoing, Applicants respectfully request reconsideration of the application, withdrawal of the outstanding objection and rejections, allowance of Claims 1-3 and 7-9, and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing attorney docket number 107355-00150.**

Respectfully submitted,

  
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